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March 28, 2001 by Kay Buler Kay Buler
Date Signature (print name)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Doherty et al.
Filing Date: February 16, 2000
Serial No.: 09/506,079
For: HER-2 BINDING ANTAGONISTS
Art Unit: 1642
Examiner: J. Hunt
Docket: 49321-16
Date: 10 January 2001

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RESPONSE TO NOTICE TO COMPLY UNDER C.F.R. 1.821

Sir:

Applicants submit the attached Preliminary Amendment, Sequence Listing (under C.F.R. 1.821(c) and (e)) and Statement (under C.F.R. 1.821(f)), in response to the NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES, attached to the Office Communication, dated February 16, 2000. No new matter has been added.

REMARKS

Minor corrections to the Sequence Listing, as originally disclosed in the specification, have been made to bring the Sequence Listing into conformity with the requirements of C.F.R. 1.821-1.825.

Additionally, the amino acid valine was inadvertently inserted (*i.e.*, a typographical error) at position 341 of SEQ ID NO:2 in applicants' previous Preliminary Amendments (filed 07 October 1999 and 03 January 2000) made in response to an invitation to correct defects in the originally-

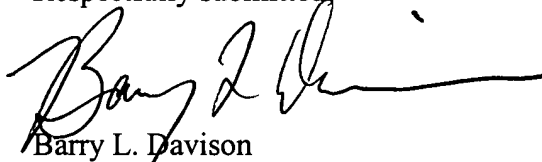
filed Sequence Listing for the underlying U. S. parent application (Serial No. 09/234,208). This inadvertent insertion was perpetuated in the present CIP filing.

Accordingly, applicants now delete this valine residue, resulting in a 419 amino acid sequence for SEQ ID NO:2 as it was listed in applicants' original Sequence Listing for the underlying U. S. parent application (Serial No. 09/234,208). Support for this amendment is found in the originally-filed Sequence Listing of the parent, and throughout the current and parent specification and claims, which refer to an amino acid sequence (for SEQ ID NO:2) of up to about 419 amino acids.

Applicants assert that the presently-submitted Sequence Listing not only conforms with that of the underlying U. S. parent application (Serial No. 09/234,208), but also with the requirements of C.F.R. 1.821-1.825. No new matter has been added.

Applicants, in concert with this Response, include a Preliminary Amendment, attached hereto, to bring applicants' current specification into conformity with the presently-submitted Sequence Listing. No new matter has been added.

Respectfully submitted,



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APR 02 2001

Applicant No.: 09/506,079

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

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